[16th August 1954

Maximum number of Judges fixed by the President for the Madras High Court consequent on the formation of Andhra High Court.

* 151 Q.—SRI V. GURUNANDAN ROW: Will the Hon. the Minister for Finance and Education be pleased to state—

(*a*) whether the President has fixed the maximum number of Judges for the Madras High Court consequent on the formation of Andhra High Court;

(*b*) if so, the maximum number fixed by the President; and

(*c*) whether the Government have made any suggestions to the President and if so, the number suggested by them?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) & (*b*) Yes. The President has fixed the maximum number of Judges for the Madras High Court at twelve consequent on the formation of the Andhra High Court.

"(c) Yes. The State Government's recommendations in the matter are treated as secret and it is regretted that the particulars cannot be given."

SRI V. GURUNANDAN ROW :—" Sir, is there any proposal to transfer any I.C.S. Telugu-knowinng Judges to the Andhra State?"

THE HON. SRI C. SUBRAMANIAM :—" I am not aware of it, Sir."

SRI K. BHASHYAM :—" May I know, Sir, whether there is any proposal to send some of the present Judges left in the Madras High Court to the Andhra High Court? May I also know whether such a proposal has been made by this Government to the Union Government or the Andhra Government?"

THE HON. SRI C. SUBRAMANIAM :—" No proposal is pending now, Sir."

SRI MOHAMED RAZA KHAN :—" Sir, I understand that three-fourths of the work of the Madras High Court was confined to the Andhra area and only one-fourth to the Madras area. If so, are twelve Judges necessary?"

THE HON. SRI C. SUBRAMANIAM :—" This is only the maximum number retained here. It does not mean that we will continue to have twelve Judges all the time. Now in view of the arrears pending, we have agreed to have a strength of twelve Judges."

SRI K. BHASHYAM :—" May I know whether there was any proposal to transfer some of the present Judges left in the Madras High Court to the Union Government?"

THE HON. SRI C. SUBRAMANIAM :—" Sir, various proposals were put forward to the Union Government in the matter

and it was finally decided that twelve Judges should remain here and that three of the existing Judges should go over to the Andhra State."

Sri K. BHASHYAM :—" Sir, in view of the fact that the Andhra Government have got seven posts of Judges to be distributed as patronage, is it not a case of injustice to the Madras legal profession and the Madras Government to be deprived of any such advantage? "

The Hon. Sri C. SUBRAMANIAM :—" That was the view of this Government, Sir, but unfortunately the Union Government did not agree with us."

Sri MOHAMED RAZA KHAN :—" Sir, I understand that 60 per cent of the cases in the old High Court of the composite State was from the Andhra area and only 40 per cent from Madras. May I know whether the Madras Government are justified in retaining twelve Judges even granting that it is only a temporary measure? "

The Hon. Sri C. SUBRAMANIAM :—" Sir, the ratio 60 : 40 does not give a true picture. Here we have got the Original Side, which does not exist in the Andhra High Court. Apart from that, in view of the pendency of a large number of cases, here, the Chief Justice considers it necessary to have twelve Judges."

Sri V. GURUNANDAN ROW :—" Sir, in the Government's view, what would be the number of Judges that would be normally necessary for the Madras High Court? "

The Hon. Sri C. SUBRAMANIAM :—"Sir, if we continue to have the Original Side, we should have at least ten Judges."

Sri T. PURUSHOTHAM :—" In view of the remarks that have been made here, will the Government consider the reduction of the number of the High Court Judges? "

The Hon. Sri C. SUBRAMANIAM :—" As and when Judges retire, perhaps we may not fill up the vacancies."

Uniform set of leave rules in respect of teachers in aided secondary institutions.

* 152 *Q.*—Sri G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance and Education be pleased to state with reference to Starred Legislative Council Question No. 21 answered on 12th March 1953 what steps the Government have taken to provide uniform set of leave rules in respect of teachers in aided secondary institutions?

The Hon. Sri C. SUBRAMANIAM :—" At present the managements of aided secondary schools have discretion to